EXHIBIT 3

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

--oOo--

WAYMO LLC,

                Plaintiff,

                                Case

vs.   No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING LLC,

                Defendants.

_____/

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF ALEXANDER (SASHA) ZBROZEK

VOLUME II

WEDNESDAY, SEPTEMBER 6, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2693569

Pages 178 - 317

1   BY MR. GONZALEZ:

2   Q.   And you would assume that when these

3   engineers accessed it, they would download the entire

4   database because that's how it was programmed; true?

5   MR. BAKER: Objection to form.

6   THE WITNESS: That is very packed and not really

7   true.

8   BY MR. GONZALEZ:

9   Q.   What part of it is not really true?

10   A.   There's no such thing as automatic with

11 regard to access to the Subversion server.

12   Q.   What does that mean?

13   A.   Servers are programmed or designed to provide

14 answers to requests.   And every request is at the

15 behest of the user.   The user determines what that

16 request is going to be, and nothing more and nothing

17 less is provided.

18   Q.   But you drafted the protocol for signing on

19 to the SVN server, didn't you?

20   A.   I wrote some general instructions for getting

21 started.

22   Q.   And as you testified at your last deposition,

23 if people follow your instructions, the entire

24 database gets downloaded; true?

25   MR. BAKER: Objection to form.

Page 235

1   wrote.

2   Q.   And generally what you're saying is, look, if

3   somebody had followed my instructions, they would have

4   done a full checkout of the entire database; correct?

5   MR. BAKER: Objection to form.

6   THE WITNESS: I'm saying that if someone had

7   followed my instructions, that they would have checked

8   out the full present-day snapshot of the Subversion

9   repository.

10   BY MR. GONZALEZ:

11   Q.   And the Subversion repository was over 10,000

12   files; correct?

13   A.   I don't know.

14   Q.   You know it was thousands and thousands of

15   files; correct?

16   A.   Keeping track of the exact count of the files

17   is not really something that I ever really did.

18   Q.   In any event, whatever was there would have

19   been checked out in its entirety if someone had

20   followed your instructions; correct?

21   MR. BAKER: Objection to form.

22   THE WITNESS: If someone would have followed the

23   instructions verbatim, they would have checked out the

24   entirety of the present-day snapshot of the

25   repository.

1   (Discussion off the record.)

2   BY MR. GONZALEZ:

3   Q.   So to be real specific, if Anthony

4   Levandowski on December 11th, 2015 had followed the

5   instructions that you wrote out for the engineers,

6   then he would have downloaded the entire present-day

7   repository; correct?

8   MR. BAKER: Objection to form.

9   THE WITNESS: Anybody following my instructions

10   verbatim, Anthony included, would have checked out the

11   entire present day repository.

12   BY MR. GONZALEZ:

13   Q.   And they could have checked that out either

14   to their hard drive or to some kind of a disk or

15   something that they put in their computer; right?

16   MR. BAKER: Objection to form.

17   THE WITNESS: They could check it out to any file

18   system of their choosing.

19   BY MR. GONZALEZ:

20   Q.   Such as?

21   MR. BAKER: Objection to form.

22   THE WITNESS: They could check it out to their

23   disk.   They could check it out to -- they could check

24   it out to their laptop's disk.   They could check it

25   out -- back to another server if they were plumbing

1   have the corresponding Bates numbers.

2   BY MR. GONZALEZ:

3   Q.   Show you another document.

4   (Witness reviews document.)

5   Q.   Do you recognize this document?

6   A.   I believe it to be a snippet of the log for

7   Anthony's SVN transactions.

8   Q.   And tell me, just using the top entry as an

9   example, what does it show?

10   MR. BAKER: Objection to form.

11   THE WITNESS: Well, so we can go through the first

12   line as an example.

13   BY MR. GONZALEZ:

14   Q.   Yes.

15   A.   The first column is the IP address from which

16   the request was made.   The second column is the user

17   name that made the request.   The third column is the

18   date and time and, I believe, but I'm uncertain, that

19   this is the time zone representing when the request

20   was made.

21   The rest of it -- the string enclosed in

22   double quotes I think is saying what directory and

23   what transaction was being executed.   I think that

24   "HTTP/1.1" represents the protocol version.   I think

25   that "200" represented the return code from the

Page 255

 1   MR. BAKER: Objection to form.

 2   THE WITNESS: I don't know.

 3   BY MR. GONZALEZ:

 4   Q.   Can you tell from any of the information that

 5   you learned as part of your investigation whether

 6   Anthony followed your directions?

 7   A.   I don't think I can, actually.

 8   Q.   Would the downloading that you observed all

 9   occurring on the same day and at the same time be

10   consistent with somebody following your directions?

11   MR. BAKER: Objection to form.

12   THE WITNESS: It could be consistent. I don't

13   know if it is consistent.

14   BY MR. GONZALEZ:

15   Q.   When you say "could be consistent," I'm not

16   sure why you're qualifying it.

17   MR. BAKER: Objection to form.

18   THE WITNESS: Certainly someone could be executing

19   similar steps from memory. Certainly different steps

20   could result in a similar set of transactions.

21   BY MR. GONZALEZ:

22   Q.   But if somebody had followed your

23   instructions, you would expect a printout that was

24   consistent with this one; correct?

25   MR. BAKER: Objection to form.

Page 256

1   THE WITNESS: If someone had followed my

2   instructions, I would expect a full download of the

3   repository. And the log for that would likely look a

4   lot like this (indicating). And, of course, this is

5   incomplete. This would go on for quite some number of

6   pages.

7   BY MR. GONZALEZ:

8   Q.   That we can agree on. I just wanted to save

9   a tree. They all just look like a bunch of

10   gobbledygook to me, so I just needed you to help me

11   understand it.

12   A.   For sure.

13   MR. GONZALEZ: If we could mark the next exhibit.

14   (Defendants' Exhibit 2223 was marked.)

15   BY MR. GONZALEZ:

16   Q.   Sir, I've handed you a document marked as

17   2223. I don't recall, but this may also be an

18   excerpt, wanting to save a tree.

19   In any event, do you recognize this document?

20   A.   This looks like the output of -- this looks

21   like a ███

   ██ █████████████████████████

23   Q.   Let me ask you about ████████   And maybe my

24   bad for not printing the whole thing.

25   I couldn't find anything in your e-mails that

```
 1           FEDERAL CERTIFICATE OF DEPOSITION OFFICER
 2        I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby
    declare:
 3        That, prior to being examined, the witness named
    in the foregoing deposition was by me duly sworn
 4  pursuant to Section 30(f)(1) of the Federal Rules of
    Civil Procedure and the deposition is a true record of
 5  the testimony given by the witness;
          That said deposition was taken down by me in
 6  shorthand at the time and place therein named and
    thereafter reduced to text under my direction;
 7        -----    That the witness was requested to
 8  review the transcript and make any changes to the
    transcript as a result of that review pursuant to
 9  Section 30(e) of the Federal Rules of Civil Procedure;
          -----    No changes have been provided by the
10  witness during the period allowed;
11        -----    The changes made by the witness are
12  appended to the transcript;
          --X---   No request was made that the transcript
13  be reviewed pursuant to Section 30(e) of the Federal
14  Rules of Civil Procedure.
          I further declare that I have no interest in the
15  event of the action.
16        I declare under penalty of perjury under the laws
17  of the United States of America that the foregoing is
    true and correct.
18        WITNESS my hand this 7th day of September, 2017.
19
20
21
22
23
24
25        ANRAE WIMBERLEY, CSR NO. 7778
```

Page 317